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10/675,090	09/30/2003	Jeyhan Karaoguz	14445US02	4758
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EXAMINER				
MENDOZA JR, JORGE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,090

Applicant(s)

KARAOGUZ ET AL.

Examiner

JORGE MENDOZA JR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims **1 - 22** are presented for Examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/23/2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to Claims **1, 12, 15, & 19** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1, 4-8, 10, & 12-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kerman (US Patent No. 5,659,366)** in view of **Rodriguez et al. (US Patent No. 7,150,031)** and further in view of **Lu (US Patent No. 7,065,778)**.

Regarding Claim **1**, the claimed "a display communicatively coupled to at least one communication device *at a first geographical location*, the communication device being in at least one of a "standby" mode and an "off" mode" is met by Kerman teaching a video display **136** and a communication device (tuner **105**, host microcontroller **110**, data decoder **125**, light source **200**, & audio source **205** – Fig.2) being in "standby" mode at a first location, such as a viewers home (*Fig.1 & 2; col.1, lines 13-20; col.3, lines 3-12; and col.5, lines 16-21*). The claimed "a communication network communicatively coupled to the at least one communication device" is met by Kerman teaching a device that receives incoming television signals being transmitted over a wireless or cable infrastructure network through the use of an antenna or cable (*Fig.1 & 2; col.2, lines 14-15; and col.4, lines 64-66*).

The claimed "media content disposed in one or both of the communication network and the at least one communication device, the at least one communication device operable to detect at least a portion of the media content that is newly accessible to the at least one communication device and to provide at least one indication[s] relating to the detection of the newly accessible media content, the at least one indication being provided on one or both of the display and/or the at least one communication device prior to accessing of the newly accessible media content by the at least one communication device" is met in part by Kerman teaching a device that

serves to notify a television viewer of the occurrence of a certain event through the use of an alert signal, such as a visible or audible alert and that the alert message can be displayed on a video display (*Fig.1 & 2; col.3, lines 3-34; and col.4, lines 55-63*).

However, the Kerman reference does not teach that such a notification is done prior to the accessing of the newly accessible media content. In the same field of endeavor, the Rodriguez et al. reference teaches a system in which notification of media that is newly accessible, using reminder barkers (180, 190), is given before the media is actually accessed is presented to a user (*Fig.7, 13&14; col.9, lines 59-67; col.10, lines 1-5, lines 62-67; & col.11, lines 1-3*).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the invention of Kerman with that of Rodriguez et al. in order to allow the notification of newly accessible media before the media is actually accessed. Such a modification would allow the invention of Kerman to receive a notification of newly accessible media content indicating when such media is accessible and when it is not by a user, ultimately providing the user with a more complete notification system.

The claimed "and wherein the at least one communication device is operable to push at least a portion of the newly accessible media from the first geographic location to a second geographic location" is not explicitly taught by the Kerman reference in view of the Rodriguez et al. reference. However, in the same field of endeavor, the Lu reference teaches a communication device, personalized video recorders 200 A and/or 200B, that have the ability to transmit newly accessible media from a first geographical

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location to a second geographical location - either an EPG server computer 304, a Cache server 402, or a PVR 200 (*Figs.3, 4, 5, 6B, 7A, 7B, 8A; col.1, lines 59-67; col.2, lines 19-28; col.6, lines 45-58; col.9, lines 20-23; col.10, lines 31-38*).

It would have obvious to one having ordinary skill in the art at the time the invention was made to have modified the invention of Kerman, in view of Rodriguez et al., in order to provide a user at a 2nd location the ability to have access to media content that they would otherwise not have. Such a modification would allow the invention set forth by Kerman, as modified by Rodriguez et al., to make newly accessible media content viewable to a viewer at a 2nd location.

With respect to Claim 4, the claimed "wherein the at least one communication device comprises one or more of a computer, a storage device, a media peripheral, set-top box circuitry, a television, a text display, a keyboard, a computer mouse, a remote control, an internal speaker, an intercom system, an infrared transmitter, light emitting diodes (LED's), and/or a stereo system" is met by Kerman teaching a tuner 105, host microcontroller 110, data decoder 125, speaker 116, video display 136, light source 200, audio source 205 (*Fig.1 & 2; col. 2, lines13-67; col.3 lines 1-16; and col.4, lines 55-63*).

With respect to Claim 5, the claimed "wherein the display is one or more of a CRT-based television, a high definition TV (HDTV), a plasma display system, and/or a projection television" is met by Kerman that teaches the indication of newly detected media content on a display via an on screen display 130, video mixer 132, and video display 136 and that it may be a CRT television (*Fig.1 & 2, and col.3, lines 10-12*).

With respect to Claim **6**, the claimed “wherein the media content comprises one or more of third party media content, user-related media content, digital video, digital images, digital audio, documents, files, non-broadcast media content, broadcast television programs, radio channels, news programming, sporting events programming, special programming, and/or on-demand movies” is met by Kerman that teaches that the newly detected media content may be a data message, the airing of a certain television program, or a personal message intended for a specific user only (*col.2, lines 4-7 and col.3, lines 25-29*).

With respect to Claim **7**, the claimed “wherein the media content comprises non-broadcast information” is met by Kerman that teaches that the newly detected media content may be a data message, the airing of a certain television program, or a personal message intended for a specific user only (*col.2, lines 4-7 and col.3, lines 25-29*).

With respect to Claim **8**, the claimed “wherein the at least one indication[s] relating to the detection of the newly available media content comprises one or both of a display pop-up window notification and/or a display ghost overlay notification” is met by Kerman that teaches that “the video signals of the on-screen display circuitry **130** are applied to the video mixer **132**. The mixer **132** combines the on-screen display signal with the received video signals to produce a composite display. This display may, for example, combine active video with control menu displays, add a closed caption display to a video signal or display information from the IPG in a window inset into the active video image” (*col.3, lines 3-10*).

With respect to Claim **10**, the claimed "wherein the at least one indication[s] relating to the detection of the newly available media content comprises one or more of a text display announcement, activating LED's, and/or an audible announcement" is met by Kerman that teaches that upon the detection of new media content, LED's may be cause to blink and audio source may be caused to emit a beeping sound (*col.3, lines 29-31 and col.5, lines 10-15*).

Claim **12** is met as previously discussed with respect to Claim **1**. In addition, the claimed "processor disposed in a communication device" is met by the host microcontroller **110** (*Kerman - Fig. 1 & 2*).

Claim **13** is met as previously discussed with respect to Claim **4**.

Claim **14** is met as previously discussed with respect to Claim **8 & 10**.

Claim **15** is met as previously discussed with respect to Claim **1**.

Claim **16** is met as previously discussed with respect to Claim **10**.

Claim **17** is met as previously discussed with respect to Claim **8**.

Claim **18** is met as previously discussed with respect to Claim **1**.

6. Claims **2,3,9,11, & 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kerman (US Patent 5,659,366)** in view of **Rodriguez et al. (US Patent 7,150,031)** & **Lu (US Patent No. 7,065,778)** as applied to Claims **1, 4-8, 10, & 12-18** above, and further in view of **Hunter et al. (US Patent 7,233,781)**.

With respect to Claims **2 & 3**, Kerman in view of Rodriguez et al. & Lu, teach a system for managing newly accessible media content on a communication system as discussed in Claim **1** above. However, the system of Kerman in view of Rodriguez et al. & Lu does not teach that the communication network in which the media content transmitted in is the Internet. In the same field of endeavor, the Hunter et al. reference teaches a method of receiving emergency notification content via a number of transmission methods, one of them being the Internet. Hunter et al. teaches that "each of the Cable TV 15, DBS headend 17 or ISP entities 18 are alternately referred to herein as 'transmitting party' which rebroadcasts the emergency notification content to the intended audience via an associated media including, but not limited to: cable **30**, satellite **33**, internet **36**, cellular telephone, and plain old telephony **38**." (*col.8, lines 48-52*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the internet as a communication network as taught by Hunter et al. in the invention of Kerman, as modified by Rodriguez et al. & Lu, in order to provide an additional communication network for media content.

With respect to Claim **9**, the claimed invention of Claim **8** is taught by the Kerman in view of Rodriguez et al. & Lu system as discussed above. However, the claimed

"display is in a 'standby' mode" is not explicitly taught by the Kerman reference. The Hunter et al. reference teaches how a communication device, namely a set-top box, can automatically turn on a display from "standby" mode and thereby display an appropriate notification on it (*col.11, lines 61-67 & col.12, lines 1-6*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the Kerman in view of Rodriguez et al. & Lu system, as described above, with the additional teachings of the Hunter et al. reference to give it the benefit of turning on a display when it is in a "standby" mode in order to display a notification message. Such a modification would further improve the probability of notification.

With respect to Claim **11**, Kerman in view of Rodriguez et al. & Lu teach the claimed invention of Claim **10**. However, Kerman in view of Rodriguez et al. & Lu do not teach a system in which the display is in an "off" mode. The Hunter et al. reference teaches that if the display is "off", there is still an audible announcement given by the communication device. Hunter et al. discloses that "the device **110** additionally includes an internal speaker **212** to function as both an alarm and provide output to a user in the event their TV or monitor display capability is damaged or inoperable" (*col.15, lines 49-52*). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the "off" feature taught by Hunter et al. in the invention of Kerman in view of Rodriguez et al. & Lu in order to allow the user to be notified of new content even when the display is off.

With respect to Claim **19**, Kerman in view of Rodriguez et al. & Lu teach the claimed management of newly accessible media content on a communication network

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as discussed in Claim 1 above. However, Kerman in view of Rodriguez et al. & Lu do not specifically teach the claimed ^A "displaying a notice relating to the availability of the newly accessible media content on a text display, the text display communicatively coupled to the communication device" or the claimed ^B "activating at least one of an integrated television and an external television". The first part of Claim 19 is met by the Hunter et al. reference that teaches the notice of new accessible media content can be displayed on a group comprising "a set-top box, a computer, a video cassette player, a DVD player, a CD player, a WebTV device, a video game player, a video game controller, a pager, a cellular phone, and a personal digital assistant" (*col.5, lines 54-58*). Even though the claimed "text display" is not explicitly disclosed in the Hunter et al. reference, the Examiner takes Official Notice that it is well known in the art that a set top box may have a textual display as one of its functioning components.

The second portion of claim 19 is met by Hunter et al. that teaches "in yet another embodiment of the present invention a method of signaling is utilized by the emergency notification broadcaster to turn-on a viewing or listening device and set the operational controls to a state sufficient to catch the attention of any viewers/listeners within the household, business, or other locals. For example, with cable type set top boxes an AC outlet is often provided for TVs and other appliances. Since TVs and other display/listening devices often default to acceptable operating levels the cable box can simply power-up the TV which is always left in an on state. Control functions may also be integrated with wireless (infrared) remote controls and other such devices currently in use". (*col.11, lines 61-67 & col.12, lines 1-6*).

With respect to Claim **20**, Hunter et al. teaches the activation of an external TV from a "standby" mode (*col.12, lines 1-6*).

With respect to Claims **21 & 22**, the claimed "generating an audible alert signal for the availability of the newly accessible media content" and "one or both of the integrated television and the external television is in an 'off' mode" is met by the Hunter et al. reference. Hunter et al. teaches that if an external TV is "off", there is still an audible announcement given by the communication device, stating that "the device **110** additionally includes an internal speaker **212** to function as both an alarm and provide output to an user in the event their TV or monitor display capability is damaged or inoperable" (*col.15, lines 49-52*).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Thursday 9:00 am –7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623